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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,512	02/24/2004	Yukihisa Nakajo	393032043800	2773
25224	7590	02/21/2008	EXAMINER	
MORRISON & FOERSTER, LLP			ALUNKAL, THOMAS D	
555 WEST FIFTH STREET				
SUITE 3500			ART UNIT	PAPER NUMBER
LOS ANGELES, CA 90013-1024			2627	
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			02/21/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/786,512	NAKAJO, YUKIHISA
	<b>Examiner</b>	<b>Art Unit</b>
	Thomas D. Alunkal	2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 December 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 8-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 8-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

***Response to Arguments***

Applicant's arguments with respect to claims 8-14 have been considered but are moot in view of the new ground(s) of rejection.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-11 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Arioka et al (hereafter Arioka)(US PgPub 2003/0039191).

Regarding claim 8, Arioka disclose an optical disk recording method (see Title) of recording information at a given recording rate by irradiating a laser beam modulated by a laser drive signal onto a surface of an optical disk moving at a given linear velocity relative to the laser beam, the information being recorded in the form of an alternative arrangement of pits and lands according to a mark length recording scheme (Figure 2 and Paragraphs 0065-0066), the method comprising the steps of: providing a plurality of strategies which are selectable according to a model of the optical disk, the recording rate and the linear velocity for adjusting a pulse width of the laser drive signal and a power of the laser beam to form the pit (Figures 2 and 3 and Paragraph 0076. More specifically Figure 3 illustrates marks with a plurality of varying widths. Each variable width corresponds to a different write strategy.); providing a first strategy and a second

strategy for the same model of the optical disk (Figure 1, Element 1 where Arioka only discloses the use of one optical disk), the first strategy being designed to shorten the pulse width of the laser drive signal and increase the power of the laser beam as compared to the second strategy, the second strategy being designed to lengthen the pulse width of the laser drive signal and decrease the power of the laser beam as compared to the first strategy, each strategy being such as to create signals of the same mark length (or pit length) as those that would have been created by the other strategies (Figures 2 and 3 and Paragraph 0076. More specifically Figure 3 illustrates marks with a plurality of varying widths. Each variable width corresponds to a different write strategy. Furthermore, marks 48A-48G of Figure 3 each has the same length. Thus, first and second write strategies correspond to the formation of marks 48a and 48F, respectively, with different widths and equal lengths.), and using changeably both the first strategy and the second strategy dependently on conditions of the recording of information (Paragraph 0076 where either first or second strategies can be chosen based on user requirements.).

Regarding claim 9, Arioka discloses wherein the step of providing a first strategy and a second strategy provides both versions of the first strategy and the second strategy for an optical disk having a recording capacity measured in terms of a total recording time which is longer than a predetermined recording time, and providing only one version of the strategy equivalent to the first strategy for another optical disk having a recording capacity measured in terms of a total recording time which is not longer than the predetermined recording time (Paragraph 0056. More specifically, the DD**C**D

is a variable recording length disc based on the recording frequency. Furthermore, a "predetermined time" can be any time since the "predetermined time" is not further defined in reference to any other time.).

Regarding claim 10, Arioka discloses wherein the step of providing a first strategy and a second strategy provides both versions of the first strategy and the second strategy for a recording rate smaller than a specified value, and providing only one version of the strategy equivalent to the first strategy for another recording rate greater than the specified value (Paragraph 0056. More specifically, the DDCD is a variable recording length disc based on the recording frequency. Furthermore, a "specified value" can be any value since the "specified value" is not further defined in reference to any other value.).

Regarding claim 11, Arioka discloses wherein the step of using changes the first strategy and the second strategy in accordance with a changeover operation of recording modes by a user, the recording modes representing the conditions of the recording of information (Paragraph 0076 where either first or second strategies can be chosen based on user requirements.).

Regarding claim 13, Arioka discloses wherein the recording modes include a normal recording mode directed to recording information representing computer data and an alternative recording mode directed to recording of information representing audio data, and wherein the step of using uses the first strategy for the normal recording mode and uses the second strategy for the alternative recording mode (Figure 2 and

Paragraph 0071 where data (information) types to be recorded is inputted by the controlling device and determined by the user.).

Regarding claim 14, Arioka discloses the step of determining whether the contents of information to be recorded are computer data or audio data, so that the step of using automatically uses the first strategy when the contents of the information is determined as the computer data, and uses the second strategy when the contents of the information is determined to be the audio data (Figure 2 and Paragraph 0071 where data (information) types to be recorded is inputted by the controlling device and determined by the user.).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arioka and in view of Nakajo (US 5,485,449).

Regarding claim 12, Arioka discloses the limitations of claims 8 and 11 above, and further discloses wherein the recording mode includes a normal recording mode directing a reduction of jitters of the information recorded on the optical disk and wherein the step of using uses the first strategy for the normal recording mode (Paragraphs 0128-0132 and Tables 1-3). Arioka does not explicitly disclose an

alterative recording mode (corresponding to the second write strategy) directing a reduction of crosstalk of the information on the optical disk and wherein the step of using uses the second strategy for the alternative recording mode. However, in the same field of endeavor, Nakajo discloses that increasing the recording pit width and decreasing the recording laser power results in a reduction of crosstalk (Figures 5 and 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the variable pit width method of Arioka with the crosstalk reduction teachings of Nakajo, motivation being to provide Arioka with a method to correct the adverse effects of both jitter and crosstalk, which leads to errors in disc reproduction (Column 1, lines 44-51 of Nakajo).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Nakajo (US 5,502,702) discloses an optical disc recording device using basic recording information and projection time control. Kimura et al. (US 6,192,017) disclose a method and apparatus for reducing the width of marks written in optical media. Miyamoto et al. (US 6,842,415) disclose an information recording method and apparatus with suppressed mark edge jitters. Furumiya et al. (US PgPub 2003/0031108) discloses a method for recording/reproducing data on/from an optical disk.

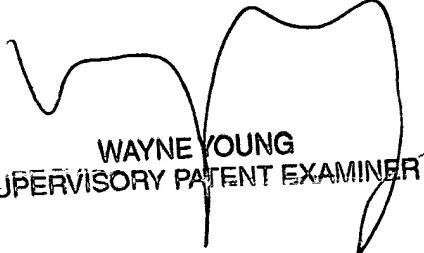
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Alunkal whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Alunkal/  
Examiner AU 2627

WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "WAYNE YOUNG" above "SUPERVISORY PATENT EXAMINER". The signature is written in a cursive style with some loops and variations in line thickness.